

Office Action Summary

Application No.

09/804,878

Applicant(s)

TAN, SHULAN

Examiner

Kim R. Lockett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- 1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coonce in view of Mohos.

Coonce discloses the use of an apparatus for displaying finger patterns of a stringed instrument (10)(claim 8) the apparatus comprising a base board having thereon a pattern of chromatic notes (column 13, lines 10-25) in the form of colors in a predetermined pattern (claims 4 -6).

Coonce does not teach the specific use of notes, each note positioned in the same relative position as it appears on the fingerboard of a stringed instrument.

Mohos teaches the use of an apparatus for musical training with use of 12 notes (claim 2), each note positioned in the same relative position as it appears on the fingerboard of a stringed instrument (see figure 1), and a plurality of templates (see figure 11a-11c) for placement over the baseboard, each template corresponding to at least one particular key in a particular position and defining a plurality of holes through which notes corresponding to a particular key are visible (column 3, lines 40-51).

Mohos also discloses that his templates can be releasably secured to the base board (claim 3 and 15).

Regarding claims 12-14 and 20, Coonce also teaches that his device uses a transparent overlay (column 5, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify device as taught by Coonce with the scale as taught by Mohos in order to provide an efficient means of teaching music (claims 1 and 11).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews.

Andrew discloses the use of a puzzle game, as a musical educational system is well known in the art. Andrew also discloses his puzzle with the use a score, and a board(1) (see figures 1 and 2) and puzzle strips(37) corresponding to notes on fingerboard (column 7, lines 5-18).

5. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable Andrew in view of Coonce in view of Mohos.

Andrew does not the use of a board that is positioned over a fingerboard.

Coonce discloses the use of an apparatus for displaying finger patterns of a stringed instrument (10) the apparatus comprising a base board having thereon a pattern of chromatic notes (column 13, lines 10-25) in the form of colors in a predetermined pattern to be used on a fingerboard.

Coonce does not teach the specific use of notes, each note positioned in the same relative position as it appears on the fingerboard of a stringed instrument.

Mohos teaches the use of an apparatus for musical training with use of 12 notes each note positioned in the same relative position as it appears on the fingerboard of a stringed instrument (see figure 1), and a plurality of templates (see figure 11a-11c) for placement over the baseboard, each template corresponding to at least one particular key in a particular position and defining a plurality of holes through which notes corresponding to a particular key are visible (column 3, lines 40-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the puzzle as taught by Andrews and the device as taught by Coonce and the scale as taught by Mohos and in order to present a enhance efficient means of learning music using puzzles.

6. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bennett, Chesters, Le Grange, and Corley disclose the use of musical learning systems.

8. Any inquiry of a **general nature or relating to the status of this application or filed papers** should be directed to the **Group receptionist whose telephone number is (703) 308-0956**.

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 CP 4 Fax Center number is (703) 308-77(22 or 24).

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC) whose telephone number is 800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

For requesting **copies of Cited Art, Office Actions or the like, or General Problem solving**, calls should be directed to the **TC 2800 Customer Service Office whose telephone number is 703-306-3329 or by fax at 703-306-5515**.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett whose telephone number is (703)**

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308-7615. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370.



Kim Lockett
Patent Examiner
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